

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER  
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE  
STATE OF NEVADA HERETOFORE APPROPRIATED**

JUL 29 1993

Date of filing in State Engineer's Office.....

Returned to applicant for correction.....

Corrected application filed..... Map filed AUG 12 1993 under 59076The applicant Independence Mining Company, Inc.HC 31, Box 78

Street and No. or P.O. Box No.

of Elko

City or Town

Nevada 89801

State and Zip Code No.

hereby make<sup>s</sup> application for permission to change thepoint of diversion and place of use of a portion

Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under permit #51163

Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

identify right in Decree.

1. The source of water is underground (DW#7)  
Name of stream, lake, underground spring or other source.
2. The amount of water to be changed 0.25 c.f.s.  
Second feet, acre feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for mining and milling (de-watering of mine zone-non-consumptive)  
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
4. The water heretofore permitted for mining and milling, and domestic  
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
5. The water is to be diverted at the following point within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 2, T.42N., R.53E.,  
Describe as being within a 40-acre subdivision of public survey and by course and  
MDM, from which the SE corner of Sec. 31, T.43N., R.54E., bears N. 74° 22'  
distance to a section corner. If on unsurveyed land, it should be stated.  
E., 13,886 ft. dist.
6. The existing permitted point of diversion is located within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 32, T.43N., R.54E.,  
If point of diversion is not changed, do not answer.  
from which the SW corner of said section bears S. 86° 54' W., 4,290 ft. dist.
7. Proposed place of use Section 1 and 2 T.42N., R.53E., MDM.  
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
8. Existing place of use N $\frac{1}{2}$  Sec. 3, T.42N., R.54E., and S $\frac{1}{2}$  S $\frac{1}{2}$  Sec. 34, T.43N.,  
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or  
R.54E., MDM.  
manner of use of irrigation permit, describe acreage to be removed from irrigation.
9. Use will be from January 1 to December 31 of each year.  
Month and Day Month and Day
10. Use was permitted from January 1 to December 31 of each year.  
Month and Day Month and Day
11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) small diameter drilled well to a depth below  
State manner in which water is to be diverted, i.e. diversion structure,  
design of ultimate mine pit depth; casing, submersible electric pump and motor.  
ditches, pipes and flumes, or drilled well, etc.
12. Estimated cost of works \$20,000.00
13. Estimated time required to construct works one year

14. Estimated time required to complete the application of water to beneficial use..... 10 years

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

A total of eight small wells will, combined, pump an estimated 1,000 gallons per minute to a central collection pond and as required, to be treated to remove any harmful components before discharge into the North Fork of the Humboldt River, in compliance with a discharge permit issued by the Division of Environmental Protection. The pumps will be operated for this purpose for the life of the mining development. No other beneficial use of this water is contemplated by the applicant. This application replaces an expired temporary change permit for the same purpose.

By s/William A. Nisbet  
421 Court Street  
Elko, Nevada 89801

Compared. bc/bc ci/cms

Protested.....

APPROVAL  
OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of a portion of the waters of an underground source as heretofore granted under Permit 51163 is issued subject to the terms and conditions imposed in said Permit 51163 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

The total combined duty of water under Permits 51163, 51292, 52452, 53002, 53003, 53271, 53272, 53273, 59076, 59077, 59078, 59079, 59080, 59081, 59082 and 59083 will not exceed 377.0 million gallons annually (1,157.0 acre-feet annually).

(CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed..... 0.25 .....cubic feet per second, but not to exceed 54.17 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before..... January 30, 1997

Proof of completion of work shall be filed before..... March 1, 1997

Application of water to beneficial use shall be made on or before..... January 30, 1998

Proof of the application of water to beneficial use shall be filed on or before..... March 1, 1998

Map in support of proof of beneficial use shall be filed on or before..... N/A

Completion of work filed.....

Proof of beneficial use filed.....

Cultural map filed.....

Certificate No..... Issued.....

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.  
State Engineer of Nevada, have hereunto set my hand and the seal of my  
office, this..... 30th .....day of ..... July .....  
A.D. 19..... 96.....  
*R. Michael Turnipseed P.E.*  
State Engineer

WITHDRAWN BY APPLICANT JUN 05 1998  
*R. Michael Turnipseed P.E.*  
STATE ENGINEER

(PERMIT TERMS CONTINUED)

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Monthly measurements shall be kept and submitted to the State Engineer within 15 days after the end of each calendar quarter which shall include: the volume of water pumped from each well, the rate of diversion pumped from each well, the water level measurement (drawdown) from each well and the volume of water consumptively used for mining and milling purposes.